

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) BY SANSBURY/SOUTHERN COMMERCIAL (LGA 2004-00007) PRIVATELY INITIATED AMENDMENT: MODIFYING PAGE 63 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 33.52 ACRES, GENERALLY LOCATED ON THE NORTHEAST AND NORTHWEST CORNERS OF THE INTERSECTION OF SANSBURY'S WAY (FUTURE LYONS ROAD EXTENSION) AND SOUTHERN BOULEVARD, FROM INDUSTRIAL (IND) TO COMMERCIAL HIGH, WITH AN UNDERLYING INDUSTRIAL (CH/IND) WITH A CONDITION; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearing on February 20 & 27, and March 12, 2004 to review the proposed amendment to the Palm Beach County Comprehensive Plan and made a recommendation regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 28, 2004 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated June 19, 2004 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 24, 2004 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. Future Land Use Atlas page 63 is amended as follows:

Application No.: Sansbury/Southern Commercial (LGA 2004-00007)

Amendment: From Industrial (IND) to Commercial High, with an underlying Industrial (CH/IND);

General Location: Northeast and northwest corners of the intersection of Sansbury's Way (Future Lyons Road extension) and Southern Boulevard;

Size: Approximately 33.52 acres;

B. Condition: This site is subject to the following condition:

1. Development shall be limited to a .22 Floor to Area Ratio (FAR) for a maximum 321,037 gross buildable square footage for this 33.52 acre site.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

1 Part III. Severability

2 If any section, paragraph, sentence, clause, phrase, or word of
3 this Ordinance is for any reason held by the Court to be
4 unconstitutional, inoperative or void, such holding shall not affect
5 the remainder of this Ordinance.

6 Part IV. Inclusion in the 1989 Comprehensive Plan

7 The provision of this Ordinance shall become and be made a part
8 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
9 Ordinance may be renumbered or relettered to accomplish such, and the
10 word "ordinance" may be changed to "section," "article," or any other
11 appropriate word.

12 Part V. Effective Date

13 The effective date of this plan amendment shall be the date a
14 final order is issued by the Department of Community Affairs or
15 Administration Commission finding the amendment in compliance in
16 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
17 applicable. No development orders, development permits, or land uses
18 dependent on this amendment may be issued or commence before it has
19 become effective. If a final order of noncompliance is issued by the
20 Administration Commission, this amendment may nevertheless be made
21 effective by adoption of a resolution affirming its effective status,
22 a copy of which resolution shall be sent to the Florida Department of
23 Community Affairs, Division of Community Planning, Plan Processing
24 Team. An adopted amendment whose effective date is delayed by law
25 shall be considered part of the adopted plan until determined to be
26 not in compliance by final order of the Administration Commission.

1 Then, it shall no longer be part of the adopted plan unless the local
2 government adopts a resolution affirming its effectiveness in the
3 manner provided by law.

4 APPROVED AND ADOPTED by the Board of County Commissioners of
5 Palm Beach County, on the 24 day of August, 2004.

7 ATTEST: PALM BEACH COUNTY, FLORIDA,
8 DOROTHY H. WILKEN BY ITS BOARD OF COUNTY COMMISSIONERS

9
10 By: Linda C. Hickman Karen T. Marcus for
11 Deputy Clerk Chair
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13

14 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

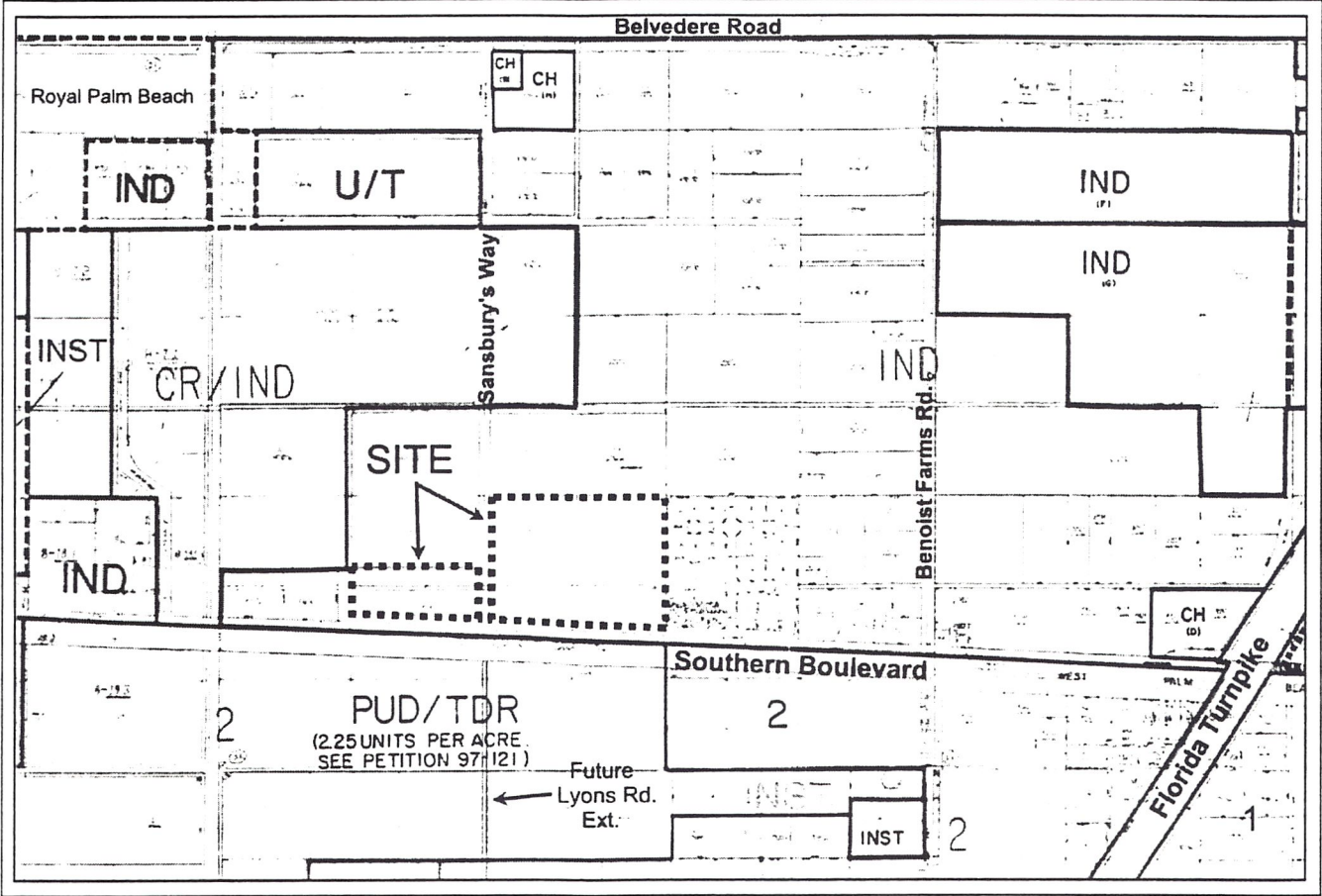
15 [Signature]
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17 COUNTY ATTORNEY

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19 Filed with the Department of State on the 30 day
20 of August, 2004.

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EXHIBIT 1

Amendment No.:	Sansbury/Southern Commercial (LGA 2004-00007)
FLUA Page No.:	63
Amendment:	From Industrial (IND) to Commercial High, with an underlying Industrial (CH/IND)
Location:	Northeast and northwest corners of the intersection of Sansbury's Way (future Lyons Road extension) and Southern Boulevard.
Size:	Approximately 33.52 acres
Property No.:	00-42-43-27-05-007-0270 (a 27.2 portion) & 00-42-43-27-05-007-0320 (a 6.3 portion)
Legal Description:	See Attached
Condition:	Development shall be limited to a .22 Floor to Area Ratio (FAR) for a maximum 321,037 gross buildable square footage for this 33.52 acre site.



LEGAL DESCRIPTION:

PARCEL I:

TRACTS 33 AND 34; AND THAT PART OF TRACTS 39 AND 40 LYING NORTH OF THE RIGHT-OF-WAY OF STATE ROAD 80 (SOUTHERN BOULEVARD) AS DESCRIBED IN DEED BOOK 984, PAGE 223, PUBLIC RECORDS OF PALM BEACH COUNTY, ALL IN BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE; LESS THAT PORTION THEREOF, DESCRIBED AS FOLLOWS, CONVEYED TO THE COUNTY OF PALM BEACH IN THE STATE OF FLORIDA BY DEED DATED JULY 8, 1965 AND RECORDED IN OFFICIAL RECORDS BOOK 1286, PAGE 387, PUBLIC RECORDS OF PALM BEACH COUNTY:

THE WEST 40 FEET OF TRACT 33, AND THAT PART OF TRACT 40 LYING NORTH OF STATE ROAD 80, BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PALM BEACH COUNTY RECORDS.

LESS AND EXCEPT A PORTION OF TRACTS 39 AND 40, BLOCK 7, AND A PORTION OF THE 30 FOOT ABANDONED RIGHT OF WAY LYING BETWEEN SAID LOTS 39 AND 40, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT A, PONDEROSA INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 113 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 0041" EAST ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 142.659 METERS (468.04 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 0041" EAST A DISTANCE OF 26.947 METERS (88.41 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93120-2543; THENCE NORTH 8854 WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 148.860 METERS (488.39 FEET); THENCE NORTH 8808" WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 250.728 METERS (822.60 FEET) TO A POINT OF THE EASTERLY EXISTING RIGHT OF WAY LINE FOR SANSBURY'S WAY (LYONS ROAD); THENCE NORTH 0041" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 26.427 METERS (86.70 FEET); THENCE SOUTH 8832" EAST, A DISTANCE OF 399.565 METERS (1310.91 FEET) TO THE POINT OF BEGINNING.

PARCEL II

THAT CERTAIN 30 FOOT STRIP OF LAND LYING EAST OF TRACT 33 AND WEST OF TRACT 34 IN BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

AND

THAT CERTAIN 30 FOOT STRIP OF LAND LYING EAST OF TRACT 40 AND WEST OF TRACT 39 IN BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THAT PORTION THEREOF LYING SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80);

AND

THAT CERTAIN 30 FOOT STRIP OF LAND LYING NORTH OF TRACTS 39 AND 40, INCLUDING THE WESTERLY EXTENSION OF THE NORTH LINE OF TRACT 39 TO THE NORTH LINE OF TRACT 40, AND SOUTH OF TRACTS 33 AND 34, INCLUDING THE EASTERLY EXTENSION OF THE SOUTH LINE OF TRACT 33 TO THE SOUTH LINE OF TRACT 34, BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THAT PORTION LYING WEST OF THE EAST RIGHT-OF-WAY LINE OF SANSBURY'S WAY.

LESS AND EXCEPT THAT PORTION OF PROPERTY DESCRIBED IN THE ORDER OF TAKING IN PALM BEACH COUNTY CIRCUIT COURT CASE NO. CL 02-2919 AL, DATED JUNE 24, 2003.

CONTAINING 27.2 ACRES, MORE OR LESS.

COMBINED WITH:

BEING A PORTION OF TRACTS 41 AND 32 AND A PORTION OF THE 30 FOOT WIDE ROADWAY LYING BETWEEN SAID TRACTS, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF TRACT 29, BLOCK 7, SAID PALM BEACH FARMS COMPANY PLAT NO. 3 WITH THE WEST RIGHT OF WAY LINE OF SANSBURY'S WAY, SAID WEST RIGHT OF WAY LINE ALSO BEING A LINE 40.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 29, RUN THENCE SOUTH 00°56'48" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1224.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°56'58" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 312.27 FEET; THENCE NORTH 88°30'44" WEST (DEPARTING FROM SAID WEST RIGHT OF WAY LINE), A DISTANCE OF 950.54 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 41; THENCE NORTH 00°57'57" WEST ALONG SAID WEST LINE OF TRACT 41 AND THEN THE WEST LINE OF SAID TRACT 32, A DISTANCE OF 267.64 FEET; THENCE NORTH 88°47'49" EAST (DEPARTING FROM SAID WEST LINE OF TRACT 32), A DISTANCE OF 949.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.322 ACRES, MORE OR LESS.

COMBINED TOTAL CONTAINING 33.522 ACRES, MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 24, 2004
DATED at West Palm Beach, FL on 10/21/04.
DOROTHY H. WILKEN, Clerk
By: Kiane Brown D.C.